

TO: Clerk's Office

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

United States of America

-V.-

Kysheeq Randolph

19-MJ-961

Docket Number

SUBMITTED BY: Plaintiff Defendant DOJ ☒

Name: Genny Ngai

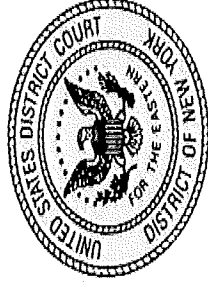
Firm Name: 271 Cadman Plaza East

Address: Brooklyn, NY 11201

Phone Number: 718-254-6393

E-Mail Address: genny.ngai@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO ☒
If yes, state description of document to be entered on docket sheet:



A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

risk of flight

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: Brooklyn, New York
October 21, 2019

U.S. DISTRICT JUDGE/U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE October 21, 2019
DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

October 21, 2019
DATE

Genny Ngai
SIGNATURE

ML:GN

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

KYSHEEQ RANDOLPH,

Defendant.

----- X

FILED UNDER SEAL

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

Case No. 19-MJ-961

(18 U.S.C. §§ 115; 1315))

EASTERN DISTRICT OF NEW YORK, SS:

TENITRIS MCINNIS, being duly sworn, deposes and states that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such.

On or about October 17, 2019, within the Eastern District of New York, the defendant KYSHEEQ RANDOLPH knowingly threatened to assault or murder a Federal law enforcement officer, with intent to impede, intimidate and interfere with such law enforcement officer while engaged in the performance of official duties, and with intent to retaliate against such law enforcement officer on account of the performance of official duties.

(Title 18, United States Code, Section 115)

On or about October 17, 2019, within the Eastern District of New York, the defendant KYSHEEQ RANDOLPH knowingly engaged in conduct that threatened or attempted to threaten bodily injury to another person, with intent to retaliate against any

person for the attendance of a witness or party at an official proceeding, to wit: a Federal criminal proceeding in the Eastern District of New York.

(Title 18, United States Code, Section 1513(b))

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and have been involved in the investigation of numerous cases involving the recovery of firearms and ammunition. I am familiar with the facts and circumstances set forth below based on my personal observations and knowledge of the facts and circumstances as well as conversations with other law enforcement officers involved in the case.

2. On October 17, 2019, a federal criminal trial was being presented by the United States government to the jury in United States v. Jefferys, 18-CR-00359 (KAM).

3. On or about October 17, 2019, at approximately 3:00 p.m., as the abovementioned trial was underway, ATF Special Agent Shawn Edmonds left the courtroom to go to the bathroom. As Special Agent Edmonds walked towards the bathroom, he passed by the defendant, who was walking towards him to go back into the courtroom. As the two passed each other in the hallway, the defendant looked at Special Agent Edmonds and said "dead ass, dead ass." Special Agent Edmonds believed that the defendant's remarks constituted a threat against him.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

4. The defendant came back into the courtroom and sat in the gallery of the courtroom. I was sitting in the courtroom gallery at this time and could see the defendant. Specifically, I was sitting in the third row on the lefthand side of the courtroom, and the defendant was sitting in the second row on the righthand side of the courtroom.

5. At approximately 3:30 p.m., while one of the government's cooperating witnesses was testifying on the stand, I saw the defendant use his right thumb, index and middle fingers to mimic the shape of a gun and point to his right temple. A few minutes later, the defendant made a second gesture with his right hand. He used his thumb, index and middle fingers to mimic the shape of gun, but this time he pointed the gun gesture to the bottom of his chin in an upward movement. It is my belief that the defendant had a direct line of sight to the cooperating witness on the stand both times he made the gun gestures with his hand. The defendant remained in the courtroom for the entirety of the witness's testimony.

6. Based on my conversations with other law enforcement agents, I understand that the defendant is a member of the Bloods gang and that he is known to the cooperating witness.

7. Based on my firearms and investigative training and experience, I believe that the hand gestures the defendant made in the courtroom during the cooperating witness's testimony, which were in the shape of a gun, were done to threaten the cooperating witness.

8. WHEREFORE, your deponent respectfully requests that the defendant KYSHEEQ RANDOLPH be dealt with according to law.



TENITRIS MCINNIS
Special Agent, Bureau of Alcohol, Tobacco and
Firearms

Sworn to before me this
21st day of October, 2019



THE HONORABLE SANKET J. BULSARA
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

KYSHEEQ RANDOLPH,

Case No. 19-MJ-961

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer


YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) KYSHEEQ RANDOLPH,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Witness Retaliation contrary to Title 18, United States Code, Section 1513(b);
Threatening Federal Law Enforcement Officer contrary to Title 18, United States Code, Section 115

Date: 10/21/2019


Issuing officer's signature

City and state: Brooklyn, New York

Honorable Sanket J. Bulsara

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____